

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SERGIO ROJAS, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

CAREER EDUCATION CORPORATION, a
Delaware Corporation.

Defendant.

No. 10-cv-05260

Hon. Virginia M. Kendall

JOINT MOTION TO STAY LITIGATION

Plaintiff Sergio Rojas, and Defendant Career Education Corporation (“CEC”) (collectively referred to herein as the “Parties”), by and through their undersigned counsel, jointly move this Court to stay this litigation, including all discovery obligations, for a period of seventy seven (77) days from the date this motion is decided, to allow the Parties to attempt to resolve this dispute through private mediation with the Honorable Wayne R. Andersen (Ret.) of JAMS. For the reasons set forth below, good cause exists to grant this motion:

1. On August 19, 2010, Plaintiff filed this putative class action alleging that Defendant CEC transmitted unauthorized text messages in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”). (Dkt. 1.)
2. The next day, on August 20, 2010, Plaintiff filed his motion for class certification. (Dkt. 2.) Plaintiff’s Motion was entered and continued several times and the Parties ultimately agreed to brief the motion at a later date. (See Dkts. 17, 18, and 30.)

3. On October 15, 2010, Defendant CEC filed its Answer and Affirmative Defenses to Plaintiff's Class Action Complaint. (Dkt. 16.)

4. The Parties have propounded and answered several sets of discovery and engaged in considerable third party discovery on both class certification and merits issues. Fact discovery is currently set to close on September 30, 2011. However, the Parties are still in the process of meeting-and-conferring over certain discovery issues and have scheduled depositions.

5. In the process of discussing discovery scheduling and other issues related to this litigation, the Parties began looking into the prospect of attempting to settle this matter.

6. On August 31, 2011, the Parties agreed to enter into private mediation with Judge Andersen (Ret.) of JAMS and to jointly seek a stay of this litigation and all pending discovery until mediation can be completed.

7. A status hearing is presently set for October 3, 2011 at 9:00 a.m. (Dkt. 31.)

8. The Parties submit that a stay is warranted to conserve the resources of both the Parties and of the Court. The Parties need not move forward with costly discovery should the mediation result in a settlement. The Parties further submit that no prejudice will result if the Court grants the requested relief. Finally, the Parties submit that they are not bringing this motion for purposes of delay or to cause any other prejudice.

WHEREFORE, the Parties jointly request that the Court: (1) enter an order staying this litigation and all discovery obligations for a period of seventy seven (77) days from the date that the Court enters an order staying this litigation; and (2) enter and continue the status hearing set for October 3, 2011 until November 1, 2011 or such other time as it convenient to the Court; and (3) direct the Parties to submit a joint status report indicating the status of settlement prior to such status hearing.

Dated: September 2, 2011

Respectfully submitted,

SERGIO ROJAS, *individually and on behalf of a
class of similarly situated individuals*

/s/ Ryan D. Andrews
One of his attorneys

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CAREER EDUCATION CORPORATION,

By: /s/ Debra R. Bernard
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